

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

SUPERIOR MEDICAL RESPONSE INC. )

Plaintiff )

v. )

Case 1:20-cv-17452-RMB-AMD

CAPITOL SPECIALTY INSURANCE INC.)

Defendant )

**CONSENT MOTION TO CONTINUE SCHEDULING CONFERENCE**

Defendant Capitol Specialty Insurance Corporation (“CSIC”)<sup>1</sup> respectfully moves the Court, pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Local Civil Rules 6.1(c) and 7.1, to continue the Scheduling Conference currently set for April 27, 2021 at 10:30 a.m. and accordingly extend the time within which the parties are required to hold a discovery planning conference under Rule 26(f)(1) and submit a proposed discovery plan to the Court under Rule 26(f)(2). In support of its motion, CSIC states as follows:

Plaintiff Superior Medical Response, Inc. (“SMR”) filed the Complaint initiating this declaratory judgment action on November 30, 2020 [ECF No. 1]. On March 22, 2021, after receiving an extension of time to respond from the Court, CSIC filed its answer with a counterclaim against SMR. [ECF No. 9] Contemporaneously, CSIC filed a motion to join ModivCare LLC, formerly known as LogistiCare Inc. (“LogistiCare”), as a defendant to CSIC’s counterclaim set upon CSIC’s answer. [ECF No. 10] CSIC’s motion, if oral argument is necessary, is set to be heard on the Court’s April 19, 2021 motion day.

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<sup>1</sup> The caption of the Complaint identifies the defendant as Capitol Specialty Insurance Inc. however the correct company name is Capitol Specialty Insurance Corporation.

On March 22, 2021, the Court issued an Order setting a Scheduling Conference for April 27, 2021. Under Federal Rule of Civil Procedure Rule 26(f) and Local Civil Rule 26.1(b), the existing parties are required hold a discovery planning conference by April 6, 2021 and submit a proposed discovery plan within 14 days after their meeting. As a result, the parties are required to meet and confer prior the motion day on CSIC's pending motion to join an additional party to its counterclaim.

CSIC has conferred with counsel for SMR regarding the pending motion and the timing of the discovery planning conference. CSIC and SMR agree that all parties to the proceeding should have an opportunity to meaningfully participate in the discovery planning conference and that it would be most efficient for the parties to hold a discovery planning conference after the Court has decided the pending motion. That way, if the Court grants CSIC's motion, LogistiCare will have an opportunity to take part in discovery planning in the first instance. Accordingly, CSIC, with SMR's consent, respectfully requests that the Court issue an Order continuing the Scheduling Conference for at least 30 days from April 27, 2021. CSIC submits that granting the relief requested will further Federal Rule of Civil Procedure 1's purpose of securing "the just, speedy, and inexpensive determination of every action and proceeding."

The Federal Rules provide in relevant part:

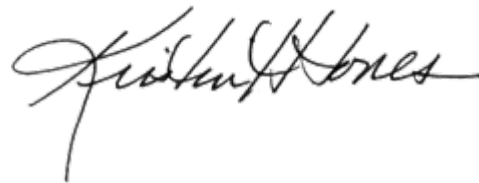
When an act may or must be done within a specified time, the court may, for good cause, extend the time... with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires....

Fed. R. Civ. P. 6(b)(1)(A). This motion is being made before the expiration of the prescribed period to hold a discovery planning conference and no previous extension of this deadline has been obtained. CSIC submits, and SMR agrees, that good cause for the requested extension exists for the reasons stated above.

WHEREFORE, CSIC respectfully requests that the Court grant this motion and continue the Scheduling Conference until a date at least 30 days after April 27, 2021. Pursuant to Local Civil Rule 7.1(d)(4), CSIC submits that no brief is necessary because this is a consent motion. A proposed order is attached hereto for the Court's convenience.

Respectfully submitted,

**TROUTMAN PEPPER**

A handwritten signature in black ink, appearing to read "Kristin H. Jones", written in a cursive style.

\_\_\_\_\_  
Kristin H. Jones  
NJ Bar ID No. 016462000  
Troutman Pepper Hamilton Sanders LLP  
3000 Two Logan Square,  
Eighteenth and Arch Streets  
Philadelphia, PA 19103

*Counsel for Capitol Specialty Insurance  
Corporation*

**CERTIFICATE OF SERVICE**

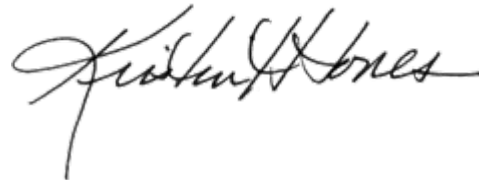
I hereby certify that on April 2, 2021, a copy of the foregoing was filed and served electronically through the Court's CM/ECF System on the following:

Alexander Kadochnikov  
80-02 Kew Gardens Road, Suite 600  
Kew Gardens, NY 11415  
akadochnikov@sbagk.com

*Counsel for Plaintiff*

Respectfully submitted,

**TROUTMAN PEPPER**

A handwritten signature in black ink, appearing to read "Kristin H. Jones". The signature is fluid and cursive, with the first name "Kristin" and last name "Jones" clearly distinguishable.

Kristin H. Jones  
Troutman Pepper Hamilton Sanders LLP

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**PROPOSED ORDER**

Upon consideration of the Consent Motion to Continue Scheduling Conference, and the entire record herein, and it appearing to the Court that good cause exists for the relief requested, it is by the Court this day of \_\_\_\_\_, 2021,

ORDERED that the Motion is hereby GRANTED for the good cause shown; and it is,

FURTHER ORDERED that the Scheduling Conference set for April 27, 2021 at 10:30 a.m. is VACATED; and

FURTHER ORDERED that a Scheduling Conference shall be conducted before the undersigned on \_\_\_\_\_, 2021, at \_\_\_\_\_ a.m./p.m.

SO ORDERED.

\_\_\_\_\_  
MAGISTRATE JUDGE ANN MARIE DONIO  
U.S. District Court for the District of New Jersey